

Message

From: Mylott, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=16543F1A0E1A4C4DAFE0611A15C85705-MYLOTT, RICHARD]
Sent: 2/25/2015 3:55:28 PM
To: Peterson, Cynthia [Peterson.Cynthia@epa.gov]
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Personal Matters / Ex. 6

From: Peterson, Cynthia
Sent: Wednesday, February 25, 2015 7:24 AM
To: Mylott, Richard
Cc: Faulk, Libby; Parker, Robert; Cirian, Mike; Chalfant, Mark
Subject: FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Hi, Rich.

FYI on the article. Also, I've attached a very draft ComStrat for listing this site. There are a number of missing parts, and the team is still reviewing it. **Personal Matters / Ex. 6** and will be out of the office for at least two weeks. Even though I plan on teleworking starting the middle of next week, I thought this might be helpful to you if any inquiries come your way.

Thanks!
Cynthia

Cynthia Peterson
Community Involvement Coordinator
Public Affairs and Community Involvement U.S. Environmental Protection Agency, Region VIII
1595 Wynkoop St. (8OC-PAI)
Denver, CO 80202-1129
303-312-6879 -- direct dial

From: Parker, Robert
Sent: Tuesday, February 24, 2015 4:38 PM
To: Chalfant, Mark; Cirian, Mike; Wilder, Scott; Peterson, Cynthia; Ketellapper, Victor; Land, Kelcey; Madigan, Andrea; Vranka, Joe; DalSoglio, Julie
Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

A/C Communication

FYI – Here is a Flathead Beacon article discussing CFAC's opposition to Gov Bullock's request for NPL.

<http://flatheadbeacon.com/2015/02/24/cfac-disagrees-bullocks-recommendation-superfund-listing/>

Rob

From: Chalfant, Mark
Sent: Tuesday, February 24, 2015 4:20 PM
To: Parker, Robert; Cirian, Mike; Wilder, Scott; Peterson, Cynthia; Ketellapper, Victor; Land, Kelcey; Madigan, Andrea;

Vranka, Joe; DalSoglio, Julie

Subject: FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

*Privileged & Confidential
A/C Communication*

Important FYI. Please see below the most recent email exchange between counsel for EPA and CFAC. Rob Parker just left a VM message for Mr. Ammon to give him a "heads up" that he may be contacted by the company. —Mark

From: Chalfant, Mark

Sent: Tuesday, February 24, 2015 4:16 PM

To: 'Otis, Andrew D.'

Subject: FW: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

My apologies, I left out Mr. Ammon's direct dial number, which is 703-347-8925, in my email reply. His email is Ammon.Doug@epa.gov.

-Mark

From: Chalfant, Mark

Sent: Tuesday, February 24, 2015 4:10 PM

To: 'Otis, Andrew D.'

Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your reply and for elaborating on the company's position. As requested, the contact for NPL listing at EPA Headquarters is:

Mr. Doug Ammon
Chief, Site Assessment and Remedy Decision Branch
Assessment and Remediation Division
Office of Superfund Remediation and Technology Innovation
Office of Solid Waste and Emergency Response

I will be in touch with you upon my return to the office in mid-March.

Thank you.

-Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Tuesday, February 24, 2015 3:51 PM

To: Chalfant, Mark

Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mark,

Thanks for getting back to me. With regard to NPL listing, we are aware of the letters from Governor Bullock and Senator Tester but do not think that there is unanimous support for listing the site on the NPL among the Montana

Congressional delegation. We would be happy to provide our views to those at EPA Headquarters responsible for proposing the site on the NPL. Can you please provide me with a contact name.

We believe that CFAC is a good candidate for consideration in the Superfund Alternative Approach: without necessarily agreeing with the EPA's conclusions, we understand that the HRS computed by EPA based on past assessments exceeds 28.5 and CFAC is a willing, capable PRP who will negotiate an agreement with EPA to investigation. Thus, we request that the site be evaluated for the SA approach prior to being listed on the NPL.

We look forward to the prospect of working with you as well.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Tuesday, February 24, 2015 3:50 PM

To: Otis, Andrew D.

Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your follow-up message. In response to your request that the EPA defer proposing the site for inclusion on the National Priorities List (NPL), we will relay your request to the EPA Headquarters officials responsible for proposing the site on the NPL.

The EPA's Denver regional office completed an initial site assessment in April, 2014 to evaluate potential or confirmed releases of hazardous substances that may pose a threat to human health or the environments. Based on available information, we believe that listing is appropriate and the best vehicle for addressing the site. Governor Steve Bullock and United States Senator Jon Tester are on record in support of listing. As I noted in my previous email, the proposed listing will be open for public comment.

There will be ample opportunity for the EPA and Columbia Falls Aluminum Company to discuss next steps, including an Administrative Order on Consent to study the nature and extent of contamination (Remedial Investigation) and evaluate potential cleanup alternatives (Feasibility Study). The EPA welcomes the company's desire to enter into an AOC, and I look forward to working with you.

-Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Monday, February 23, 2015 2:40 PM

To: Chalfant, Mark

Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Thanks for your response and notice about a potential proposed NPL listing for the site. We would request that EPA hold off on proposing to list the site on the NPL until we have had a chance to meet and discuss an AOC for performing site assessment. CFAC believes that the site can be addressed effectively through agreements with EPA and need not be proposed to be listed on the NPL. We look forward to meeting with you but are also available to meet with others from EPA during the period on which you will be on leave.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Monday, February 23, 2015 4:25 PM

To: Otis, Andrew D.

Subject: RE: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Mr. Otis:

Thank you for your message. I will be out of the office on leave for the next two and a half weeks returning to the office on Monday, March 16th. I appreciate your follow-up, and will contact you upon my return to the office in mid-March to discuss next steps on the Administrative Order on Consent for the above-referenced site.

I also wanted to let you know that the EPA may propose the above-referenced site for inclusion on the National Priorities List (NPL) as early as March, 2015. Public comment on the proposed NPL listing will be open for sixty days following publication of the proposed listing in the Federal Register.

-Mark

Mark A.R. Chalfant

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | chalfant.mark@epa.gov

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you.

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Monday, February 23, 2015 8:57 AM

To: Chalfant, Mark

Subject: Anaconda Aluminum Company Site, Flathead County, MT, SSID #A8-82 - AOC

Dear Mark,

Following up on our telephone call in November, 2014, CFAC would like to reiterate its desire to begin discussions about entering into an Administrative Order On Consent with the EPA regarding assessment activities at the above referenced site. During our November telephone call, you had said that you thought that such discussions would be a logical next step and would contact me with regard to scheduling. I have not heard from you and thus wanted to follow up and begin that scheduling discussion.

Please feel free to contact me if you have any questions and I look forward to hearing from you regarding when we may schedule a call or in person meeting to discuss next steps with regard to an AOC.

Many thanks and best regards,

Andrew Otis

Andrew D. Otis
Partner
Curtis, Mallet-Prevost, Colt & Mosle LLP
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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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